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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,928

09/26/2005

Finn Andersen

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EXAMINER

KYLE, MICHAEL J

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/540,928

Applicant(s)

ANDERSEN ET AL.

Examiner

Michael J. Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06292005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two sections of the hole, one having a larger diameter than other, as provided for in claim 1, lines 4-5, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

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3. Claims 4-6 are objected to because of the limitation "locking part". There are two different locking parts in the instant application; one on the first bracket and one on the second bracket. However, in the claims, both are referred to as "locking part". The terminology describing these elements should be clarified to show that there is a first locking part and a second locking part. In claim 5 is unclear which "locking part" the limitation "the locking part" refers to.

4. Claims 5 and 6 are objected to because of the limitation "box-shaped part". There are two box shaped parts in the instant application. Different elements may not be referred to by the same name.

5. Claim 6 is objected to because of the limitation "block-shaped part (13)" (line 4). It appears the reference numeral is incorrect, as element 13 is the plate shaped part. As best understood, this element should be identified with reference numeral 16.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redman (U.S. Patent No. 4,937,916) in view of Karlin (U.S. Patent No. 5,127,132). With respect to claim 1, Redman discloses a hinge consisting of first (12) and second (14) bracket parts, wherein the first bracket part is formed with a pin (16) and the second bracket part (14) is formed with a hole (18)

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to receive the pin. Redman fails to disclose the hole to be made in two sections and a shoulder on the pin.

8. Karlin teaches a hinge arrangement with first and second parts (15 and 14', respectively) where the first part has a pin (52, 53, 54) and the second part has a hole (56', 57') to receive the pin. The hole is made in two sections, one section having a larger diameter (57') than the other (56') and the larger diameter section is longer than the smallest diameter section. The pin (52, 53) includes a shoulder (54). This arrangement prevents undesirable axial shifting (column 5, lines 18-19). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Redman as taught by Karlin, such that Redman includes the two section hole and shoulder on the pin, to prevent any undesirable axial shifting.

9. With respect to claims 2 and 3, Karlin teaches the shoulder (54) to be provided on a portion the surface of the pin (52, 53, 54) and is dimensioned to pass through the small section of the hole (56'). The shoulder (54) is provided near the free end of the pin.

10. With respect to claims 4 and 5, Redman discloses the first bracket part (12) includes a locking part (48) that cooperates with another locking part (32) on the second bracket (14). The locking part of the first bracket is formed with a box-shaped part (on 12, rounded main body portion part containing 88) that is terminated on its lower side by a plate shaped part (36) having larger horizontal dimensions than the box shaped part (see figure 3, horizontal dimension of plate is larger than the rounded end of the box portion). The plate shaped part (36) has a free surface that is flush with one free end of the box-shaped part. It is noted that the horizontal sides of the plate portion (36) are flush with the side of the box portion.

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11. With respect to claim 6, Redman discloses the locking part (32) of the second bracket is formed by a box shaped part (24) that is terminated at one end by a block shaped part (22) which has a larger horizontal dimension than the box-shaped part (see figure 3, plate 22 extends horizontally farther than the box portion 24, toward the top of the figure) and a free surface (on end of 22).

12. With respect to claim 7, the bracket parts (12, 14) are made of the same material (column 4, lines 52-53).

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redman in view of Karlin as applied to claim 7 above, and further in view of Lowry et al ("Lowry", U.S. Patent No. 5,564,163). Redman discloses only the use of aluminum in the bracket parts, not plastics. Lowry teaches a hinge that can be made from either aluminum or plastic (column 4, line 52) thus establishing the materials as equivalents in hinges. It would have been obvious to one having ordinary skill in the art at the time of the invention to construct the bracket portions from either aluminum or plastic, as these materials are equivalent and interchangeable.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redman in view of Karlin as applied to claim 1 above, and further in view of Cheng (U.S. Patent No. 6,715,182). Neither Redman nor Karling discloses the hinge to be part of a child safety barrier. Cheng teaches a child safety barrier (40) having a hinge (20, 30, 11). Using a hinge on a child safety barrier or gate allows swinging actuation of a gate. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Redman and Karling such that the

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hinge is part of a child safety barrier, in order to allow for swinging actuation of the child safety barrier.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to hinge pin arrangements and child safety barriers: Coleman, Baiuley et al, Knurr, Ishikawa, Anderson, Flamme, Daoud, Ciavarella et al, Miller, EPO '216, EPO '857, GB '946, and JP '696.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Michael J. Kyle". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Kyle".

mk

Michael J. Kyle